

REMARKS

Restriction requirement

In the Office Action of August 24, 2006 the Examiner asserts, in a restriction requirement, that the present application contains claims directed to two distinct inventions.

Applicants respectfully traverse this requirement and request that the Examiner reconsider the requirement for restriction for reasons discussed below.

1. Applicants note that 35 USC § 121 authorizes, but **does not require**, the USPTO to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expense, it is believed that restriction requirements should not be strictly followed in the present case.

2. The Examiner is respectfully reminded of MPEP 803, which states that

"If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."

In the case at issue, there is no serious burden in examining 17 claims, all pertaining to the same technological class.

3. Applicants respectfully submit that the Examiner has not shown a "serious" burden in the present case, especially when considering the burden being placed on the Applicants. Therefore, the Applicants respectfully submit that the restriction requirement set forth in the Office Action of August 24, 2006 is improper. As such, reconsideration is respectfully requested and the Examiner is respectfully requested to withdraw the restriction requirement. However, as required under 35 USC § 121, Applicants provisionally elect **Group 1**, i.e. claims 1-5.

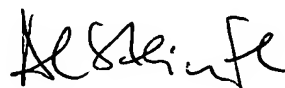
In view of the above, Applicants have complied with each and every requirement in the aforementioned Office Action, and now respectfully request withdrawal of the restriction and an action on the merits of at least the elected claims.

* * *

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being mailed with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Respectfully submitted,

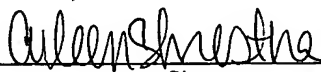


September 25, 2006

(Date of Deposit)

Aileen M. Shrestha

(Name of Person Depositing)



Signature

September 25, 2006

Date

Alessandro Steinfl
Attorney for Applicants
Reg. No. 56,448
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, California 90036
(323) 934-2300 voice
(323) 934-0202 facsimile
asteinfl@ladas.com